

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. BRADLEY BRIAN TRIPP, Defendant.	MEMORANDUM DECISION AND ORDER DENYING WITHOUT PREJUDICE DEFENDANT’S STIPULATED MOTION TO CONTINUE CHANGE OF PLEA Case No. 2:10-CR-263 TS
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Counsel for Defendant moves to continue the March 4, 2011 change of plea in this matter, stating that “defendant has been prescribed medications that alter his level of consciousness.”¹ The Motion does not indicate, however, how much time counsel believes is necessary for Defendant’s level of consciousness to return to normal. The government has stipulated to the continuance.

The Court agrees that the reason provided by Defendant warrants a continuance. However, the Court is without sufficient information to grant the Motion at this time.

¹Docket No. 28.

The Tenth Circuit has explained:

Our decisions . . . indicate that the record, which includes the oral and written statements of both the district court and the moving party, must contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time. A record consisting of only short, conclusory statements lacking in detail is insufficient. . . . Simply identifying an event, and adding the conclusory statement that the event requires more time for counsel to prepare, is not enough.²


In *United States v. Larson*,³ the Tenth Circuit has further explained what is insufficient for the Court to make the required ends-of-justice findings necessary to exclude time. As in *Larson*, in the present case there is no information on “how much time defense counsel need[s].”⁴ Without this type of information, the Court can not grant the Motion at this time.

It is therefore

ORDERED that Defendant’s Stipulated Motion to Continue Change of Plea (Docket No. 28) is DENIED WITHOUT PREJUDICE.

DATED March 1, 2011.

BY THE COURT:



TED STEWART
United States District Judge

²*United States v. Toombs*, 574 F.3d 1262, 1271-72 (10th Cir. 2009) (footnote and citations omitted).

³627 F.3d 1198 (10th Cir. 2010).

⁴*Id.* at 1207.